

PATENT
Docket No.: 176/61404 (1058)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Noble et al.)	Examiner:
Serial No.	:	10/529,314)	GiGi Huang
Cnfrm No.	:	8649)	Art Unit:
Filed	:	September 25, 2003)	1612
For	:	CASPASE INHIBITORS AS ANTICANCER AGENTS)	
)	
)	

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the August 17, 2009, office action, imposing a requirement for species election in the above-identified application, applicants hereby elect with traverse the combination of a caspase inhibitor, a non-caspase inhibitor anti-cancer agent, and an antioxidant. Applicants further elect the following specific agents in response to the requirement on page 4 of the office action: acetyl-DEVD-aldehyde (a caspase 3 inhibitor); carmustine (also known as BCNU; a DNA alkylating agent); and Vitamin C (an antioxidant). Claims reading on the elected species include claims 13-17, 38-40, and 42-49.

Applicants traverse the election of species to the extent that it requires an election of a combination of subgenera, because a search of the non-elected subgenera would be co-extensive with the elected subgenera. For example, applicants have elected examination of the combination of a caspase inhibitor (acetyl-DEVD-aldehyde), a non-caspase inhibitor anti-cancer agent (carmustine), and an antioxidant (vitamin C). A search for the caspase inhibitor acetyl-DEVD-aldehyde alone, however, will necessarily result in a search for acetyl-DEVD-aldehyde in combination with carmustine and vitamin C. Likewise, a search for the combination of the caspase inhibitor acetyl-DEVD-aldehyde and non-caspase inhibitor carmustine, will necessarily result in a search for these agents in combination with

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vitamin C. Accordingly, examination of the identified combinations of subgenera can be made without undue burden.

For the above reasons, applicants respectfully request that the election of species requirements be withdrawn in whole or in part.

Respectfully submitted,

Date: September 17, 2009

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